

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARMAINE COOKE,

Plaintiff,

- against -

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.,

Defendant.
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: 24-CV-536 (PAE) (RWL)

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: **ORDER**

ROBERT W. LEHRBURGER, United States Magistrate Judge.

During the case management conference held via Microsoft Teams on January 15, 2025, the Court stated that it would set a schedule for Defendant to file a motion to dismiss. Also during the conference, however, Ms. Cooke asked about service of an Amended Complaint. Currently, there is no Amended Complaint on file. On April 12, 2024, the Court issued an order that, among other things, denied Ms. Cooke's request to amend "without prejudice to filing a renewed motion to amend that attaches both the proposed amended complaint and a document highlighting, underscoring, or otherwise denoting the proposed changes." (Dkt. 58 at 3.) The order directed that "Plaintiff shall renew her motion with the required filings by May 15, 2024." (*Id.*) On April 30, 2024, the Court stayed the case until July 29, 2024, at which point the stay automatically lifted. (Dkt. 65.) Plaintiff did not renew her motion at any time before or after the temporary stay. To date, however, Defendant has not answered or moved to dismiss. Accordingly, Plaintiff may amend as of right. See Federal Rule of Civil Procedure 15(a)(1)(B). An amended complaint may have consequences for Defendant's intended motion to dismiss. Accordingly:

1. If Plaintiff intends to file an **amended complaint**, she shall file it **no later than February 14, 2025**. If Plaintiff does not file an amended complaint by that date, then the initial complaint will remain the operative complaint.

2. If Defendant files a **motion to dismiss**, it must do so by **March 14, 2025**. Plaintiff's opposition shall be filed by **April 28, 2025**. Any reply shall be filed by **May 19, 2025**.

3. Discovery is stayed pending resolution of the motion to dismiss unless otherwise ordered.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 15, 2025
New York, New York

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Charmaine Cooke
834 Penfield Street, #4H
Bronx, NY 10470